

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
JOHN DOE,)	
)	
Plaintiffs,)	
v.)	Case No. 1:14-cv-00377-TWP-MJD
)	
E-BIOFUELS, LLC, <i>et al.</i>)	<u>UNDER SEAL</u>
)	
Defendants.)	

**THE GOVERNMENT'S NOTICE OF ELECTION TO
DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim.

The United States also requests that it be served with all notices of appeal.

Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General

JOSEPH H. HOGSETT
United States Attorney

s/ Shelese Woods
SHELESE WOODS
Assistant United States Attorney

s/ Brian J. McCabe
MICHAEL D. GRANSTON
TRACY L. HILMER
BRIAN J. McCABE
Attorneys, Civil Division
Commercial Litigation Branch
Post Office Box 261
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 616-4875

Dated: July 14, 2014

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing upon the Parties herein, by mailing a copy thereof to the following counsel of record on this 14th day of July, 2014.

Chris D. Collins
Barlow Garsek & Simon, LLP
3815 Lisbon Street
Fort Worth, TX 76107

Spencer D. Solomon
Barlow Garsek & Simon, LLP
3815 Lisbon Street
Fort Worth, TX 76107

s/ Shelese Woods
Shelese Woods
Assistant United States Attorney

United States Attorney's Office
10 W. Market, Suite 2100
Indianapolis, Indiana 46204-3048
Telephone: 317-226-6333
Facsimile: 317-226-5027
shelese.woods@usdoj.gov